

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

JOHN A. CALCAGNO, M.D.,

No. 3:17-CV-01890-YY

Plaintiff,

ORDER

v.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation [35] on February 19, 2019 in which she recommends that this action be dismissed with prejudice. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


The Court has carefully considered Plaintiff's objections and concludes that the objections do not provide a basis to modify the recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

### CONCLUSION

The Court adopts Magistrate Judge You's Findings and Recommendation [35]. Plaintiff's motion for summary judgment is DENIED. Defendant's motion for judgment on the record is GRANTED. This action is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 1 day of July, 2019.

  
MARCO A. HERNÁNDEZ  
United States District Judge